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BEFORE THE ARIZONA CORPORATION COMMISSION

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Arizona Corporation Commission

DOCKETED

JAN 29 2009

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COMMISSIONERS

KRISTIN K. MAYES, Chairman
GARY PIERCE
PAUL NEWMAN
SANDRA D. KENNEDY
BOB STUMP

2009 JAN 29 P 12:02

AZ CORP COMMISSION
DOCKET CONTROL

IN THE MATTER OF THE APPLICATION OF
COMMUNITY WATER OF GREEN VALLEY
FOR AUTHORITY TO ISSUE LONG-TERM
TAX EXEMPT BONDS AND OTHER
EVIDENCES OF INDEBTEDNESS

) DOCKET NO. W-02304A-08-0465

**JOINT MOTION TO
WITHDRAW AND FOR
SUBSTITUTE OF COUNSEL**

Community Water Company of Green Valley ("Applicant") moves that the Commission, through its duly assigned Administrative Law Judge, issue a procedural order permitting the substitution of counsel in this matter. The current counsel of record ("Withdrawing Attorney") and proposed counsel ("Substituting Counsels") are:

Current Counsel of Record

Proposed Counsel

Richard L. Sallquist
Sallquist, Drummond & O'Connor, P.C.
1430 East Missouri, Suite B-125
Phoenix, Arizona 85006
602.224-9222
602.224.9366
dick@sd-law.com

Jason D. Gellman
Michael W. Patten
Roshka DeWulf & Patten, PLC
400 East Van Buren, Suite 800
Phoenix, Arizona 85004
602.256.6100
602.256.6800 (fax)
jgellman@rdp-law.com
mpatten@rdp-law.com

This motion is made pursuant to A.A.C. R14-3-104(E); Rule 5.1(a)(2) of the Arizona Rules of Civil Procedure; and ER 1.16(c) of Rule 42, Rules of the Supreme Court of Arizona. The Commission's rules allow the Administrative Law Judge to approve the withdrawal of any attorney "upon written application and good cause shown under such terms, conditions, and notices to clients and other parties as the Commission or presiding officer may direct." A.A.C. R14-3-104(E).

1 Pursuant to Rule 5.1(a)(2)(A), Arizona Rules of Civil Procedure, attached is the written
2 approval of the client. (Exhibit A). Also pursuant to that rule, attached is a proposed order.
3 (Exhibit B).

4 Applicant requests that service upon the Applicant be made to:

5
6 Jason D. Gellman
Michael W. Patten
Roshka DeWulf & Patten, PLC
7 400 East Van Buren, Suite 800
Phoenix, Arizona 85004
8 (602) 256-6100
(602) 256-6800 (fax)
9 igellman@rdp-law.com
mpatten@rdp-law.com
10

11 With a copy to:

12 Mr. Arturo Raul Gabaldon
President
13 Community Water Company of Green Valley
1501 S. La Canada Drive
14 Green Valley, Arizona 85622.
(520) 625-0476
15 (520) 625-1951 (fax)
Arturo@communitywater.com
16

17 Accordingly, Applicant requests that the Commission, through its duly assigned
18 Administrative Law Judge, issue a procedural order: (1) granting this motion; (2) ordering that the
19 Substituting Counsels be considered Applicant's counsel of record in this matter; (3) ordering that
20 the service of all documents be made on Substituting Counsels, with a copy to the Applicant at the
21 address listed above; and (4) permitting Withdrawing Counsel to withdraw entirely from this
22 matter.
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26
27

ROSHKA DEWULF & PATTEN, PLC
ONE ARIZONA CENTER
400 EAST VAN BUREN STREET - SUITE 800
PHOENIX, ARIZONA 85004
TELEPHONE NO 602-256-6100
FACSIMILE 602-256-6800

1 RESPECTFULLY SUBMITTED this 29th day of January 2009.

2
3
4 ROSHKA DEWULF & PATTEN, PLC

5
6 By 

7 Jason D. Gellman
8 Michael W. Patten
9 400 East Van Buren Street, Suite 800
Phoenix, Arizona 85004

10 *Proposed Attorneys for Applicants*

11
12 By 

13 Richard L. Sallquist
14 SALLQUIST, DRUMMOND & O'CONNOR, P.C.
15 1430 East Missouri, Suite B-125
16 Phoenix, Arizona 85014

17 *Present Attorneys for Applicants*
18
19
20
21
22

23
24 Original and 13 copies of the foregoing
25 filed this 29th day of January 2009 with:

26 Docket Control
27 Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

ROSHKA DeWULF & PATTEN, PLC
ONE ARIZONA CENTER
400 EAST VAN BUREN STREET - SUITE 800
PHOENIX, ARIZONA 85004
TELEPHONE NO 602-256-6100
FACSIMILE 602-256-6800

1 Copy of the foregoing hand-delivered/mailed
this 29th day of January 2009 to:

2 Richard L. Sallquist
3 Sallquist, Drummond & O'Connor, P.C.
4 1430 East Missouri, Suite B-125
Phoenix, Arizona 85004

5 Lyn Farmer, Esq.
6 Chief Administrative Law Judge
7 Hearing Division
8 Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

9 Janice Alward, Esq.
10 Chief Counsel, Legal Division
11 Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

12 Ernest G. Johnson, Esq.
13 Director, Utilities Division
14 Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

15 By Mary Lippolito
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27

State of Arizona)

) **AFFIDAVIT OF ARTURO R. GABALDON**

County of Pima)

Arturo R. Gabaldon, having been dully sworn, deposes and says;

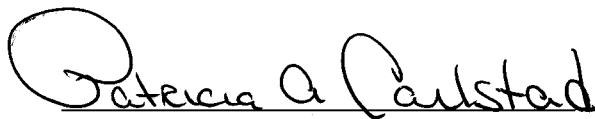
1. My name is Arturo R. Gabaldon. I am over 18 years old, and I am a resident of Pima County, Arizona.
2. I am the President of Community Water Company of Green Valley ("the Company").
3. I authorize and request that Jason D. Gellman and Michael W. Patten, of the law firm Roshka, DeWulf and Patten, PLC, be substituted as the counsel of record for the Community Water Company of Green Valley in all matters pending before the Arizona Corporation Commission, including without limitation Docket Numbers W-02304A-08-0465.

Further affiant sayeth not.



Arturo R. Gabaldón

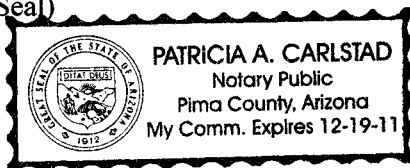
Subscribed and sworn before me this 23 day of January, 2009.



Notary Public

My Commission Expires 12-19-11

(Seal)



1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

3 **KRISTIN K. MAYES**, Chairman
4 **GARY PIERCE**
5 **PAUL NEWMAN**
6 **SANDRA D. KENNEDY**
7 **BOB STUMP**

8 IN THE MATTER OF THE APPLICATION OF) DOCKET NO. W-02304A-08-0465
9 COMMUNITY WATER OF GREEN VALLEY)
10 FOR AUTHORITY TO ISSUE LONG-TERM TAX)
11 EXEMPT BONDS AND OTHER EVIDENCES OF)
12 INDEBTEDNESS)

13 **[PROPOSED] PROCEDURAL**
14 **ORDER**

15 On January ____, 2009, Community Water Company of Green Valley, filed a motion to
16 substitute counsel pursuant to A.A.C. R14-3-104(E); Rule 5.1(a)(2) of the Arizona Rules of Civil
17 Procedure; and ER 1.16(c) of Rule 42, Rules of the Supreme Court of Arizona. Attached to the
18 motion was an affidavit from the Applicant's President authorizing the motion. The current
19 counsel of record ("Withdrawing Counsel") is:

20 Richard L. Sallquist
21 Sallquist, Drummond & O'Connor, P.C.
22 1430 East Missouri, Suite B-125
23 Phoenix, Arizona 85006
24 (602) 224-9222
25 (602) 224-9366 (fax)
26 dick@sd-law.com

27 The proposed counsel ("Substituting Counsels") is:

28 Jason D. Gellman
29 Roshka DeWulf & Patten, PLC
30 400 East Van Buren, Suite 800
31 Phoenix, Arizona 85004
32 (602) 256-6100
33 (602) 256-6800 (fax)
34 jgellman@rdp-law.com

ROSHKA DeWULF & PATTEN, PLC
ONE ARIZONA CENTER
400 EAST VAN BUREN STREET - SUITE 800
PHOENIX, ARIZONA 85004
TELEPHONE NO 602-256-6100
FACSIMILE 602-256-6800

1 Good cause having been shown, the motion should be granted.

2 IT IS THEREFORE ORDERED that Applicant's Motion to Substitute Counsel is granted.

3 IT IS FURTHER ORDERED that Substituting Counsels shall be considered Applicant's
4 counsel of record in this proceeding.

5 IT IS FURTHER ORDERED that service of all documents upon Applicant shall be made
6 to:

7 Jason D. Gellman
8 Michael W. Patten
9 Roshka DeWulf & Patten, PLC
400 East Van Buren, Suite 800
Phoenix, Arizona 85004
(602) 256-6100
(602) 256-6800 (fax)
10 mpatten@rdp-law.com
11 jgellman@rdp-law.com

12 With a copy to:

13 Mr. Arturo R. Gabaldon
14 President
15 Community Water of Green Valley
1501 S. La Canada Drive
Green Valley, Arizona 85622

16
17 IT IS FURTHER ORDERED that Withdrawing Counsel is permitted to withdraw from this
18 matter entirely.

19 Dated this _____ day of _____, 2009.

20
21 _____
22 LYN FARMER
23 CHIEF ADMINISTRATIVE LAW JUDGE
24
25
26
27

ROSHKA DeWULF & PATTEN, PLC
ONE ARIZONA CENTER
400 EAST VAN BUREN STREET - SUITE 800
PHOENIX, ARIZONA 85004
TELEPHONE NO 602-256-6100
FACSIMILE 602-256-6800

1 Original and 13 copies of the foregoing
2 filed this _____ day of January 2009 with:

3 Docket Control
4 Arizona Corporation Commission
5 1200 West Washington Street
6 Phoenix, Arizona 85007

7 Copy of the foregoing hand-delivered/mailed
8 this _____ day of January 2009 to:

9 Jason D. Gellman, Esq.
10 Michael W. Patten, Esq.
11 Roshka DeWulf & Patten, PLC
12 One Arizona Center
13 400 East Van Buren, Suite 800
14 Phoenix, Arizona 85004

15 Richard L. Sallquist, Esq.
16 Sallquist, Drummond & O'Connor, P.C.
17 1430 East Missouri, Suite B-125
18 Phoenix, Arizona 85014

19 Lyn Farmer, Esq.
20 Chief Administrative Law Judge
21 Hearing Division
22 Arizona Corporation Commission
23 1200 West Washington
24 Phoenix, Arizona 85007

25 Janice Alward, Esq.
26 Chief Counsel, Legal Division
27 Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

Ernest G. Johnson, Esq.
Director, Utilities Division
Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

By _____